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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/940,200
Filing Date: August 27, 2001
Appellant(s): SIMPSON ET AL.

David R. Risley (Registration No. 39,345)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 14, 2006 appealing from the Office action mailed February 23, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,327,613	**Goshey**	**1-2001**
6,308,205	**Carcerano**	**10-2001**
6,490,617	**Hemphill**	**12-2001**

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by

the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 22-26, 29-37, 42, 43 and 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Goshey et al. U.S. 6,327,613.

Goshey teaches the invention as claimed including method and apparatus for sharing peripheral devices over a network.

As to claim 22, Goshey teaches a method, comprising:

discovering devices directly connected to a network that are not directly connected to a computer (column 4, lines 45-50, Goshey discloses when a user

wishes to verify which devices it has accessed, it performs a scan of peripheral devices; figure 2C; column 5, lines 8-24, Goshey discloses Once the S/C ScanLan code has been loaded onto individual computers, users of a selected networked computer will then be able to access the peripheral devices connected to other network computers as if the peripheral devices were connected to their local computer (i.e. in figure 2C, the peripheral devices 118, 120 and 121 are connected to computer 112b through adapter 116b, where computer 112d can access them to their network)); and

providing to a user via a network browser a list of at least one device that is available for use on the network, wherein the list comprises at least one link to an available device (figure 3D).

As to claim 23, Goshey teaches the method of claim 22, wherein discovering devices comprise querying the network with a discovery element to discover devices connected to the network (column 4, line 67 to column 5, line 5, Goshey discloses when a server/client ScanLan code is loaded onto any one of the computers that are networked in FIG. 2A, the code will enable a user of any one of those computers to see and access via full SCSI commands, peripheral devices on other computers).

As to claim 24, Goshey teaches the method of claim 23, further comprising adding the discovered devices to a discovery database (column 6,

lines 16-21, Goshey discloses the server/client code is loaded onto the first (server) and second (client) computer).

As to claim 25, Goshey teaches the method of claim 22, further comprising creating a web service for a discovered device that is not a web-enabled device, the web service enabling access and use of the discovered device via the network (column 5, lines 8-24, Goshey discloses the ScanLan code is loaded onto computers 112b and 112d, and are connected to a network which can be a local area network or Internet) .

As to claim 26, Goshey teaches the method of claim 22, wherein providing a list of at least one discovered device comprises providing a list of available devices to a user home service that is accessible using the network browser (figure 3D).

As to claim 29, Goshey teaches the method of claim 22, further comprising receiving with the network browser selection of the at least one link that is associated with a particular device (figure 3D)

As to claim 30, Goshey teaches the method of claim 29, further comprising redirecting the network browser to the particular device (figure 3D).

As to claim 31, Goshey teaches the method of claim 30, wherein the particular device comprises a printer that does not comprise an integral server (figure 6, item 606).

As to claim 32, Goshey teaches a device discovery service stored on a Computer-readable medium, the service comprising:

logic configured to discover devices directly connected to a network that are not directly connected to a computer (column 4, lines 45l-50, Goshey discloses when a user wishes to verify which devices it has accessed, it performs a scan of peripheral devices); and

logic configured to provide a user home service accessible with a network browser with a list of at least one discovered device that is available for use on the network (figure 3D)

As to claim 33, Goshey teaches the device discovery service of claim 32, wherein the logic configured to discover devices is configured to discover printers connected to the network (figure 6, item 66).

As to claim 34, Goshey teaches the device discovery service of claim 32, wherein the logic configured to discover devices comprises a discovery element configured to query the network to discover devices connected to the network (column 4, line 67 to column 5, line 5, Goshey discloses when a server/client

ScanLan code is loaded onto any one of the computers that are networked in FIG. 2A, the code will enable a user of any one of those computers to see and access via full SCSI commands, peripheral devices on other computers)

As to claim 35, Goshey teaches the device discovery service of claim 34,* wherein the logic configured to discover devices further comprises a discovery database configured to store a list of devices discovered by the discovery element (column 6, lines 16-21, Goshey discloses the server/client code is loaded onto the first (server) and second (client) computer)

As to claim 36, Goshey teaches the device discovery service of claim 32, wherein the logic configured to provide comprises a discovery information provider service (column 4, line 67 to column 5, line 5, Goshey discloses when a server/client ScanLan code is loaded onto any one of the computers that are networked in FIG. 2A, the code will enable a user of any one of those computers to see and access via full SCSI commands, peripheral devices on other computers).

As to claim 37, Goshey teaches the device discovery service of claim 36, wherein the discovery information provider service is configured to create web services for discovered devices that are not web-enabled devices, the web services enabling access and use of the discovered devices via a network

(column 5, lines 8-24, Goshey discloses the ScanLan code is loaded onto computers 112b and 112d, and are connected to a network which can be a local area network or Internet).

As to claim 42, Goshey teaches a system, comprising:

means for discovering devices on a network that are not directly connected to a computer or to a local network (column 4, lines 45-50, Goshey discloses when a user wishes to verify which devices it has accessed, it performs a scan of peripheral devices; figure 2C; column 5, lines 8-24, Goshey discloses Once the S/C ScanLan code has been loaded onto individual computers, users of a selected networked computer will then be able to access the peripheral devices connected to other network computers as if the peripheral devices were connected to their local computer (i.e. in figure 2C, the peripheral devices 118, 120 and 121 are connected to computer 112b through adapter 116b, where computer 112d can access them to their network));

means for querying the means for discovering to receive a list of discovered devices (column 2, lines 47-58, Goshey discloses the second computer/client computer is send a request to use a peripheral devices over the network);

creating a web service for a discovered device that is not web enabled such that the non-web enabled device can be accessed and used by accessing the created web service via a network browser (figure 3C);

means for creating links to the discovered devices (column 2, lines 63-67, Goshey discloses determining whether the client computer has access privileges to use the first peripheral device); and

means for providing the links to a user in a network browser for selection (figure 3D).

As to claim 43, Goshey teaches the system of claim 42, wherein the means for discovering comprise means for discovering printers connected to the network (figure 6, item 606).

As to claim 45, Goshey teaches the system of claim 42, further comprising means for creating web services for discovered devices that are not web-enabled devices, the web services enabling access and use of the discovered devices via a network (column 5, lines 8-24, Goshey discloses the ScanLan code is loaded onto computers 112b and 112d, and are connected to a network which can be a local area network or Internet).

As to claim 46, Goshey teaches the system of claim 42: further comprising means for receiving a user selection of a particular device (column 6, lines 63-67, Goshey discloses the first computer or server can grant or deny access privileges to other computers, selected adapters or individual devices that are connected to their host adapters).

As to claim 47, Goshey teaches the system of claim 46, further comprising means for redirecting the user browser to the particular device upon receipt of a user selection (figure 3D).

3. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 27, 28, 38, 39, 40, 41 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over anticipated by Goshey et al. U.S. 6,327,613 in view of Carcerano et al. U.S. 6,308,205.

Goshey teaches the invention substantially as claimed including method and apparatus for sharing peripheral devices over a network.

As to claim 27, Goshey teaches the method of claim 26.

Goshey fails to teach explicitly providing a list of available devices comprises providing a set of universal resource locators (URLs) to the home service, the URLs identifying locations of the available devices.

However, Carcerano teaches browser-based network management allowing administrators to use web browser on user's workstation to view and update configuration of network devices. Carcerano teaches providing a list of available devices comprises providing a set of universal resource locators (URLs) to the home service, the URLs identifying locations of the available devices (column 7, lines 32-37, Carcerano discloses the browser sends a URL-encoded request to the server. The URL request identifies the domain name of the server as well as the location of the file resource on the server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goshey in view of Carcerano to provide a list of available devices comprises providing a set of universal resource locators (URLs) to the home service, the URLs identifying locations of the available devices. One would be motivated to do so to allow defining a route to a file on an HTTP server.

As to claim 28, Goshey teaches the method of claim 27.

Goshey fails to teach explicitly creating the at least one link from the set of URLs using the home service.

However, Carcerano teaches creating the at least one link from the set of URLs using the home service (column 2, lines 42-46, Carcerano discloses a first URL-encoded request is received for a user's workstation. The first request identifies a targeted one of the network devices).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goshey in view of Carcerano to provide creating the at least one link from the set of URLs using the home service. One would be motivated to do so to allow defining a route to a file on an HTTP server.

As to claim 38, Goshey teaches the device discovery service of claim 32.

Goshey fails to teach explicitly the logic configured to provide comprises logic configured to provide a set of universal resource locators (URLs) that identify the locations of the discovered devices.

However, Carcerano teaches the logic configured to provide comprises logic configured to provide a set of universal resource locators (URLs) that identify the locations of the discovered devices (column 7, lines 32-37, Carcerano discloses the browser sends a URL-encoded request to the server. The URL request identifies the domain name of the server as well as the location of the file resource on the server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goshey in view of Carcerano to provide the logic configured to provide comprises logic configured to provide a set of universal resource locators (URLs) that identify the locations of the discovered devices. One would be motivated to do so to allow defining a route to a file on an HTTP server.

As to claim 39, Goshey teaches a web-based imaging home service stored on a computer-readable medium, the service comprising:

logic configured to query a network to detect a device discovery service (column 4, lines 45-50, Goshey discloses when a user wishes to verify which devices it has accessed, it performs a scan of peripheral devices);

logic configured to create links to the discovered devices (column 2, lines 63-67, Goshey discloses determining whether the client computer has access privileges to use the first peripheral device); and

logic configured to provide the links to a user in the network browser (figure 3D).

Goshey fails to teach explicitly logic configured to receive a set of universal resource locators (URLs) that identifies locations of devices discovered by the device discovery service.

However, Carcerano teaches logic configured to receive a set of universal resource locators (URLs) that identifies the locations of devices discovered by

the device discovery service (column 7, lines 32-37, Carcerano discloses the browser sends a URL-encoded request to the server. The URL request identifies the domain name of the server as well as the location of the file resource on the server).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Goshey in view of Carcerano to provide logic configured to receive a set of universal resource locators (URLs) that identifies the locations of devices discovered by the device discovery service, the devices directly connected to the network and not directly connected to a computer. One would be motivated to do so to allow defining a route to a file on an HTTP server.

As to claim 40, Goshey teaches the service of claim 39, further comprising logic configured to receive a user selection of a particular device (column 6, lines 63-67, Goshey discloses the first computer or server can grant or deny access privileges to other computers, selected adapters or individual devices that are connected to their host adapters).

As to claim 41, Goshey teaches the service of claim 40, further comprising logic configured to redirect the user browser to the particular device upon receipt of a user selection (figure 3D).

As to claim 44, Goshey teaches the system of claim 42.

Goshey fails to teach means for querying comprise a web-based imaging home service that is accessible using the network browser.

Carcerano teaches means for querying comprise a web-based imaging home service that is accessible using the network browser (column 1, lines 60-63, Carcerano discloses the invention allows a remote network user to view and update the configuration of network devices by using a web browser on the user's workstation).

(10) Response to Argument

Appellant's arguments filed 08/18/05 have been fully considered but they are not persuasive.

(A) Appeallant has argued that Goshey fails to disclose "discovering devices directly connected to a network that are not directly connected to a computer". Specifically, appeallant is arguing that the peripheral devices are connected directly to a computer. The examiner disagrees. As clearly shown in Fig. 2A, the peripheral devices (118, 120,121) are connected to a computer (112a) through host adapter (116b) and thus are not directly connected to a computer.

It appears that appeallant may not have a clear understanding of how the examiner is reading the limitations of the claims on the prior art. According, the

examiner provides the following claim chart, which illustrates how the prior art meets the limitations of exemplary claim 22:

Claim 22	**Goshey**
A system	Fig. 2A, network 110
means for discovering devices	Fig. 2D, interrogator 204
devices directly connected to a network	Fig. 2A, peripheral devices 118, 120 and 121 are directly connected to network 110
a computer	Fig. 2A, computer 112d
devices not directly connected to a computer	Fig. 2Adevices 118, 102 and 121 are connected to host adapter 116b and are not directly connected to any computer (112a, 112b, 112c or 112d) shown
a network browser	Fig. 2D, SCSI Explorer Window 202
providing to a user via a network browser a list of at least one discovered device	Fig. 2D, SCSI device list 206 is provided to a user (not shown) via SCSI Explorer Window 202
the devices are available for use on the network	Fig. 2A, peripheral devices 118, 120 and 121 are available for use on the network 110

wherein the list comprises at least one link to an available device	items in the SCSI Device List are clickable links to the devices as clearly shown in Fig. 3D.

Appellant appears to equate connection to a network with connection to a computer. The examiner disagrees. As shown in Fig. 2A, the peripheral devices are connected to the network (which consists of all the elements shown and connected to computer 112b thru host adapter 116b. This connection is not "direct" within the ordinary meaning of this term. Appellant also appears to misunderstand what is shown in Fig. 2C. Per the brief description of the drawing, Fig. 2C shows a partial section of Fig. 2A. Thus, the network referred to in Fig. 2C is the network 110, not the Internet. The peripheral devices are clearly connected to this network as shown in Fig. 2A.

Appellant has argued that Goshey fails to disclose a "network browser". Goshey discloses SCSI Explorer Window 202, which provides access to peripherals on the network and thus meets the definition of "network browser" as broadly as claimed. Appellant's specification provides no explicit definition of "network browser" which precludes the examiner's interpretation of this claim language.

(B) As per appellant's argument filed on April 3, 2006, the applicant argues on page 12, lines 14-19 and on page 13, lines 13-18 of the brief on appeal that in regard to

claims 32 and 42, Goshey at least does not teach "logic configured to discover devices directly connected to a network that are not directly connected to a computer" or "logic configured to provide a user home service accessible with a network browser with a list of at least one device", at least for reasons discussed in relation to claim 22. Applicant respectfully submits that Goshey therefore does not anticipate claims 32 and 42 and its dependents, and respectfully requests that the rejections against these claims be withdrawn.

In regards to point (B), examiner respectfully disagrees.

This argument is already addressed in (A).

(C) The appellant argues on page 12, lines 20-22 and on page 13, lines 20-22 of the brief on appeal that with specific regard to dependent claims 37 and 45, Goshey further does not teach a discovery information provider service that is "configured to create web services for discovered devices that are not web-enabled devices, the web services enabling access and use of the discovered devices via a network" for reasons described in relation to claim 25 above.

In regards to point (C), examiner respectfully disagrees.

In such limitation, Goshey was not used alone for its rejection. Goshey was modified in view of Carcerano to provide a list of available devices comprises providing a set of universal resource locators (URLs) to the home service, the URLs identifying locations of the available devices. One would be motivated to do so to allow defining a route to a file on an HTTP server.

(D) The appellant argues on pages 15, lines 15-22 of the brief on appeal that Examiner disagreed with Applicant as to Carcerano's failure to remedy the deficiencies of the Goshey reference. See, e.g., Advisory Action, page 2. In response, Applicant notes that, as described above, Goshey at least fails to teach "discovering devices directly connected to a network that are not directly connected to a computer". Applicant further notes that nowhere did the Examiner state that Carcerano teaches such discovering. Accordingly, neither reference provides the missing teaching and the Examiner fails to make a prima facie case of obviousness under 35 U.S.C. §103 for failure to teach or suggest all of the claim limitations.

In regards to point (D), examiner respectfully disagrees.

This argument is already addressed in (A). Carcerano was not used to teach the following limitation: "discovering devices directly connected to a network that are not directly connected to a computer".

(E) The appellant argues on pages 16, lines 13-16 of the brief on appeal that Goshey does not teach "logic configured to receive a set of universal resource locators (URLs) that identify locations of devices discovered by the device discovery service, the devices directly connected to the network and not directly connected to a computer" for reasons described in the foregoing.

In regards to point (E), examiner respectfully disagrees.

In such limitation, Goshey was not used alone for its rejection. Goshey was modified in view of Carcerano to provide logic configured to receive a set of universal resource locators (URLs) that identifies the locations of devices discovered by the device discovery service, the devices directly connected to the network and not directly connected to a computer. One would be motivated to do so to allow defining a route to a file on an HTTP server.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is respectfully submitted that the rejection should be sustained.

Respectfully Submitted,

El Hadji Sall

October 29, 2006

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